

1894-019 Chancery Causes: Butt Young & Co] vs. W. C. Herndon & Co.
Lee Co.

Butt, Young, Cox, Parsons, Woodward, Stapleton, Pennington

CA-Debt
T-Property

-Deed

Marian Kirk

To the Hon. H. S. K. Morrison, Judge of
the Circuit Court for Lee County:

Humbly Complaining, Your ora-
tors J. R. Butt, J. P. Young & W. V. Cox
merchants and partners in trade under
the firm name of Butt, Young & Company,
respectfully represents unto your Hon-
or that at the special instance and
request of W. C. Herndon, who was then
doing a mercantile business in Lee County,
Virginia, on October, 30th, 1893 in the city
of Knoxville they sold and delivered to him
the said Herndon a quantity of goods, to
wit, hats amounting in the whole to the
sum of \$115⁰⁰; that an itemized stati-
ment of said goods is here filed marked
"Invoice" as a part of this bill; that said
Herndon undertook to pay for said goods
four months after the day of purchase,
to wit, on the 1st day of March, 1894; that
said sum of money is still owing to
your orators and will become due on
March 1st 1894; that said goods were
shipped to said Herndon at Punning-
ton Gap, Va as was directed by him;
that he before taking said goods out of
the Depot turned the same together
with a large quantity of other goods which
he had purchased about the same ^{time} from
other wholesale merchants over to his
father Simeon Herndon, & brother John
P. Herndon; that he also let his said

father & brother have a quantity of goods &c which were then in his store house and some forty head of valuable cattle; That these parties are now in the possession of said goods and cattle selling and disposing of the same; That the transfer of said goods and chattels and cattle to said Sarker and John P. Herndon was without a valuable consideration, or at least a consideration equal in value to said goods, cattle &c., and was therefore fraudulent as to your orators.

Your orators will further show unto your honor that at the time they sold & delivered said goods to said Herndon he was in the possession of, and the records of the County Clerk's office showed him to be the owner in fee of a large quantity of land lying and being in Lee County, in the Pocket and Crab Orchard County, to wit: lands conveyed him by Sarker Herndon & John B. Pennington, the heirs of Charles Pennington dec'd., Tobias Hughes & wife and John A. Stapleton & wife; That Copies of said Conveyances are here filed marked A, B, C and prayed to be taken as a part of this bill; That after said Herndon had become indebted to your orators as aforesaid, to their great surprise one David P. Parsons had recorded

in the County Court Clerk's office of San
County on Nov. 10th 1893, a deed signed
by said H. C. Herndon and wife and dated
March, 14th 1893, whereby he conveyed
all of his said ^{land} to said Parsons, except
the Stapleton tract and that contained in
John B. Punnington & Larkin Herndon's deed
dated July 30th 1889; that they are ad-
vised that said deed is without a con-
sideration, although it cites a con-
sideration of \$5000.00 in hand paid,
which is not true; that whether it had
an actual and valuable consideration
as to your orators is of little concern,
because at the time said Herndon be-
came indebted to them they had no no-
tice of any kind whatever of the exist-
ence of said Parsons deed or that he
claimed any interest of any kind
whatever in the land it purports to con-
vey. A copy of said Parsons deed is here
filed marked and prayed to be
considered herewith.

Your orators will again show
unto your honor that on Nov. 10th 1893
said H. C. Herndon executed a deed
of lien upon the land mentioned in
said deed of John B. Punnington and Larkin
Herndon dated July 30th 1893 to secure
a pretended debt to one Wm. Woodward
for \$675.00; that this lien on Nov. 10th 1893
was acknowledged and put on record

in Lin County Clerk's office, that they are advised and informed that this lien is voluntary & without consideration. A copy of this lien is here filed marked and prayed to be taken as a part of this bill.

Your orator will further show you to your honor that about the time said transfer of said goods, & cattle was made, and about the time said deed to Parsons was put on record and said lien made perhaps the same day, said Herndon absconded this State and is now a non-resident thereof; that the lien retained by said Stapleton on the tract of land conveyed by him has long ago been fully paid; that there are no other liens or incumbrances upon said land than the one herein mentioned and that the rents and profits of said land would be insufficient to pay said claim and the costs of this suit in five years.

The premises considered your orator is advised that said deed of March 14th 1893 to said Parsons, said Lien to said Woodward and said transfer of said goods and cattle, as to your orator and all other creditors alike situated are void, and that the property covered thereby is assets out of which your orator's claim will be paid; and that they have rights herein, of which a court of equity will take cognizance.

The prayer therefore of your prae-
tors is that H. C. Herndon, John P.
Herndon, Sarker Herndon, Wm. Woodward
John C. Stapleton and David P. Parsons be
made parties defendants to this bill of
Complaint; that they each be required
to answer its several allegations on oath;
that by virtue of the affidavit herein
filed marked "Affidavit" made pur-
suant to section 2964 of Code 1887 an attach-
ment issue herein and be levied upon
said Herndon's estate and the same be held
until a future order of this Court; that
said John P. & Sarker Herndon especially
answer on oath how and in what they paid
said H. C. Herndon for said goods, Cattle &c.,
when, where and of whom they got the money
or other thing which they lent said Herndon
loan for said goods, Cattle &c.; if they claim
said H. C. Herndon was indebted to them, they
will further answer the amount thereof,
for what was such indebtedness, when
where and of whom they got the money
or other thing which they lent said H. C. Herndon
have whereby he became indebted to them;
the date of each item of indebtedness,
the number, kind and value of said
Cattle, an itemized statement or an
invoice of all goods and chattels of every kind
and the price they gave therefor, which was
turned over to them or either of them by said
H. C. Herndon; that David P. Parsons specially

answer the true amount if any thing, he has
paid on the bond mentioned in said deed of
Mch 14th 1898; where, when, & from whom he obtained
the money or other thing he paid said Sheridon
on said bond how much if any thing
he still owes thereon; That said William Wood-
ward will specially answer an oath where and
for what said H.C. Sheridon became indebted
to him, the true amount thereof, and where
it became or will become due & payable, and
from whom he obtained the money or other
thing whereby said Sheridon became indebted
to him; That on a final hearing of this case
a judgment be given your orator for
said sum of money; That said deed be
transfer of goods & cattle be annulled and set-
aside and that enough of said property be sold
to pay said orator's said claim and the
costs of this suit &c. And that all further and
general relief be granted your orator as
the nature of his case may require. And
your orator will ever pray &c.

Pennington Bros

J. G.

1st Jan'y 1894

Butt Young & Co

vs Billie Chan

H. C. Thurston et al

1894, 1st Jan'y Rules Bill filed, 3 pa Exd on home debts
order Pub for nonresident & 1st for home debts
" 2nd Jan'y Rules 5 & 1st for home debts confd
" 1st Feb'y " Contd for ord Pub
" 2nd " " Ord Pub completed & set for hearing
by Plff
" June Term Decree & contd

C 8.94
S 2.50
Coc 5.75-
Pr 5.00
atly 15.00

\$37.19

Prmo 2.50

\$39.69

Defts Costs
\$1.60

J. R. BUTT,
WILL H. COX,
J. P. YOUNG.

BUTT, YOUNG & CO.

BUTT, COX & YOUNG.

WHOLESALE DEALERS IN

HATS, CAPS, AND STRAW GOODS.

LADIES TRIMMED HATS A SPECIALTY.

36
COMMERCE
STREET.

Knorrville, Tenn. Oct 30, 1893

Sold to W. C. Harndon,

TERMS 4 months

Cash Discounts, 6 per cent off 10 days. 5 per cent off 30 days.

Cynthiana, Va.

748	1	Doz Mens Elk Fur	900	900
2	1	" " "	1200	1200
3	1	" " "	1200	1200
192	1/2	" " Nut "	1200	600
213	1/2	" " " "	1200	600
37	1/2	" " " "	1200	600
53	1/2	" " Bro Crush	600	300
58	1/2	" " Wine Hoal	900	450
119	1	" Days Blue Bro	450	450
114	1	" " Bro	400	400
275	1	" Mens Caps	1200	1200
325	1/2	" " "	600	300
475	1/2	" " Elk Hoal	800	400
1687	1/4	" Ladies Hats	900	225
253	1/4	" " "	900	225
1663	1/4	" " "	600	150
144	1/4	" " "	1200	300
111	1/4	" " "	600	150
141	1/4	" " "	1200	300
226	1/4	" " "	1200	300
292	1/4	" " "	2400	600
546	1/4	" " "	2400	600
C. & C.				50

Notary Fee

Butt Young & Co

\$11500

50

11550

JOSE, to wit:
FOX COUNTY,

I, Isaac Bogardus a Notary Public in and for said County and State, do certify that W. C. Harndon this day made oath before me that the foregoing account, amounting to \$ 11550 is to the best of his knowledge and belief justly due and that he claims interest on the same from the 30th day of January 1894

STATE OF TENNESSEE, }
KNOX COUNTY, } to wit:

I, Isaac Bogardus a Notary Public in and for said County and
State, do certify that Wm H Cox this day made oath before me
that the foregoing account, amounting to \$ 115⁰⁰ is to the best of his knowledge
and belief justly due and that he claims interest on the same from the 30th
day of January 1894
Given under my hand this 24th day of November 1893

Isaac Bogardus

Butt ~~Co~~ Young & Co

V.S.

W.C. Herndon

11/3/50

Butt Young & Co
March 2nd

11/3/50

To the Honorable H.S.K. Morrison, Judge of the Circuit Court of Lee County Virginia:

The demurrer and answer of Larkin Herndon to a bill in chancery exhibited against him and others in this honorable court by J.R. Butt, J. F. Young and W.H. Cox, partners trading under the firm name of Butt Young & Co.

Respondent says that complainant's bill is not sufficient in law to call upon him to answer it in this honorable court, but that there is good cause of demurrer thereto, and he demurs accordingly and prays judgement of his said demurrer &c. And not waiving said demurrer, but relying and insisting thereon, should other and further answer be required of him, answering he says:

That he has already filed his separate answer to a bill in chancery against him and others in this honorable court by Powers Little & Co., he has also filed his answer to a bill in chancery exhibited against him and others in this court by Cowan McClung & Co., and he has also filed his answer to another bill in chancery exhibited against him and others in this honorable court by Berry Gilliam & Co. all of which causes are still pending in this honorable court, and all have a common purpose with the bill filed by complainants, and contain almost identically the same allegations except as to the amount claimed, and are against identically the same persons. Respondent refers to said answers and adopts them as a part of his answer in this case, and asks that they may be treated as such. And now having answered said bill as fully as he is advised it is material he should answer, he prays to be hence dismissed with his costs &c.

Duncan Hyatt, p.d.

*Shown to before me this 5th day of March 1894
by Larkin Herndon*

A.B. Munsey clerk

ab
W.C. Herndon et als.

Ads. { Separate Demurrer and
{ Answer of Larkin Herndon, one of the defendants.

Butt Young & Co.

Duncan & Hvatt, p.d.

Filed in open court March 9th
1894 A.B. Munsey Clerk

To the Honorable H.S.K. Morrison, Judge of the Circuit Court of Lee County, Virginia:

The separate answer and demurrer of John P. Herndon to a bill in chancery exhibited against him and others in this honorable court by J. R. Butt, J. P. Young and W. H. Cox, partners trading under the firm name of Butt Young & Co.

Respondent says that complainant's bill is not sufficient in law to call upon him to answer it in this honorable court, but that there is good cause of demurrer thereto, and he demurs accordingly, and prays judgement of his said demurrer &c. And not waiving said demurrer, but relvins and insisting thereon, should other and further answer be required of him answering, he says:

That he has filed his answer to a bill in chancery exhibited against him and others in this court by Powers Little & Co., he has also filed his answer to a bill in chancery exhibited against him ~~in~~ and ~~and~~ others in this honorable court by Cowan McClung & Co., and he has also filed his answer to a bill in chancery exhibited against him and others in this honorable court by Berry Gilliam & Co., all of which causes are still pending in this honorable court, and all have a common purpose with the bill filed by complainants, and contain almost identically the same allegations except as to the amount claimed, and all are against identically the same parties. Respondent refers to said answers and adopts them as a part of his answer in this case, and asks that they may be treated as such. And now having answered said bill as fully as he is advised it is material he should answer, he prays to be hence dismissed with his costs &c.

Duncan Hyatt p.d.

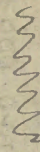
Sworn to before me this the 5th of March 1894

by John P. Herndon

A. B. Munsey Clerk

06

W.C. Herndon et als.

Ads.  Separate answer and
Demurrer of John P.
Herndon, one of the
Defendants.

Butt, Young & Co.

Duncan & Hvatt, p.d.

*Filed in open court March
the 9th 1864
A.B. Mursey Clerk*

Butt, Young & Co.

vs.

In Chancery.

The depositions of

J. P. Young

taken before me, C. B. Tompkins a

notary public in and for the county of Knox, and State of Tennessee, pursuant to notice hereto annexed, at the office of Henry, Fenton, ~~2127~~²¹⁷ Gay street, in the city of Knoxville, in the said county and state on the 2nd day of February, 1894, between the hours of 7 A. M. and 8 P. M. of that day, to be read as evidence in behalf of Butt, Young & Co. in a certain suit in equity depending in the Circuit Court of Lee county, Virginia, wherein Wm. C. Herndon, John. P. Herndon, Larken. Herndon, Wm. Woodward and David. P. Parsons are defendants, and said Butt, Young & Co. is plaintiff.

Present.

for defts'

for plaintiff

The witness *J. P. Young* after being duly sworn deposes as follows to wit:

Ques.

Please give your name, age, residence and occupation?

Ans.

J. P. Young Knoxville Tenn
lately a partner of the above
firm age (30) thirty years

Ques.

State whether or not the deft. *W. C. Herndon* is indebted to said plaintiffs in any sum of money, if so for what, and when it did or will become due.

Ans.

He is indebted to plaintiffs in the sum of one hundred & fifteen dollars for goods purchased on oct 3rd 1893 as per itemized statement here with filed marked Invoice

And said goods were sold
on four months time and
with therefore become

Ques. ¹³ Due March 1894
State how it happened ~~xxx~~
the plaintiffs sold and delivered
said goods on a credit.

Ans. We understood that he the
said McKernan had made
statement to Powers settled on
as to his assets which they
read to us and which showed
he owned a large body of
land in Lee Co Va and
we believed he was the
owner thereof on the
day said goods were sold
and delivered to firm

Ques. State whether
said sale was made or not at the time
of, or at any time prior thereto you
had any notice of deed dated March
14th 1893 wherein said McKernan conveyed
a large part of his real estate
to one David A. Parsons.

Ans. We did not have any notice
or information of the existence
of such deed until after
Nov 10 93. Had we known at the
time said sale of said goods

was made of the existence
of said deed we would
not have sold him
said goods

And further this deponent
Oath not
J. P. Young

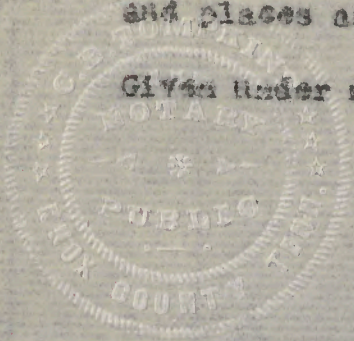
Tennessee.

County of Knox. to wit

I C. B. Tompkins a notary public for the county of
Knox in the said state do hereby certify that the fore-going
depositions of J. P. Young

were duly taken, sworn to, and subscribed before me at the time
and places and for the purpose therein mentioned.

Given under my hand and seal this 2nd day of February 1924



C. B. Tompkins
Notary Public

Butt Young & Co

Depositions

W. C. Herndon et al

Received by mail in good
condition February the 4th
and filed on Feb'y the 5th 1864

A. B. Munsey Clerk

CLERK UNDER MY HAND AND SEAL THIS

4th of FEBRUARY 1864

AND PLACES AND FOR THE PURPOSES THEREIN MENTIONED.

WAS THIS TAKEN, MADE, FOR, AND SUBSCRIBED BEFORE ME AT THE TIME

RECORDED BY

KNOX IN THE CITY OF KNOX AS HEREBY CERTIFIED FIRST THE FORE-BOYD

I O. H. TOMBHINE A Notary Public for the County of

COUNTY OF KNOX. TO WIT

TOMBHINE.

J. R. BUTT,
WILL H. COX,
J. P. YOUNG.

BUTT, FOX & YOUNG.

WHOLESALE DEALERS IN

HATS, CAPS, AND STRAW GOODS.

LADIES TRIMMED HATS A SPECIALTY.

36
COMMERCE
STREET.

(Invoice)

Knoxville, Tenn. Oct. 30, 1893,

Sold to M. C. Merndon,

TERMS

Cash Discounts, 6 per cent off 10 days. 5 per cent off 30 days.

Cynthia, Va.

748	1	Doz Mens Fur Blk	900	900
2	1	" " " "	1200	1200
3	1	" " " "	1200	1200
192	1/2	" " " Nut	1200	600
213	1/2	" " " "	1200	600
37	1/2	" " " "	1200	600
53	1/2	" " Crush Bro.	600	300
67	1/2	" " Wool Min	900	450
119	1	" Boys " Blue & Bro	450	450
114	1	" " " Bro.	400	400
275	1	" Mens Caps	1200	1200
325	1/2	" " " "	600	300
475	1/2	" " Wool Blk	800	400
168	1/4	" Ladies Hats	900	225
253	1/4	" " " "	900	225
166	3/4	" " " "	600	150
144	1/4	" " " "	1200	300
111	1/4	" " " "	600	150
141	1/4	" " " "	1200	300
226	1/4	" " " "	1200	300
292	1/4	" " " "	2400	600
346	1/4	" " " "	2400	600

O. & C.

50

\$115.00

Burt Young & Co
AGAINST

W. C. Herndon et al

To W. C. Herndon. Larkin Herndon. John P. Herndon Wm Woodward

David P. Parsors and John C. Stapleton

Take notice that on the 2nd day

of February 1894

at the office of

County, State of Virginia

I will proceed to take the deposition of

to be read as evidence on behalf of

Burt, J. P. Young and
W. H. Coe partners doing business under the firm
name of Burt, Young & Co

in a certain suit in Equity now pending in the Circuit Court of Lee

County, State of Virginia wherein said

Plaintiff and you and each of you are Defendants And if from any

cause the taking of said deposition

not begun on that day, or being begun not complete, the same will be continued from day to day or from time to time and if desired from place to place, until the same are complete. You may attend and cross-examine if you wish.

June 24th

1894

Very Respectfully,

Burt Young & Co
per Perumpton Bros
Carmel

H. C. Hudson

Burt Young & Co

AGAINST

W. C. Herndon et al

To W. C. Herndon. Larkin Herndon. John P. Herndon Wm Woodward
David R. Parsons and John C. Stapleton

Take notice that on the 2nd day

of February 1894 at the office of Harry Henton at

253 Gay Street in the City of Knoxville County, State of Tennessee

and others I will proceed to take the deposition of Burt Young

to be read as evidence on behalf of Burt Young

and H. H. Co. partners doing business

under the firm name of Burt Young & Co

in a certain suit in Equity now pending in the Circuit Court of Lee

County, State of Virginia wherein said Burt Young & Co

Plaintiff and you and each of you are Defendants And if from any

cause the taking of said depositions are not begun on that day, or being begun not complete, the same will be

continued from day to day or from time to time and if desired from place to place, until the same are complete. You

may attend and cross-examine if you wish.

January 4 1894

Very Respectfully,

Burt Young & Co

per Prumington Bros

Since, Young & Co
vs } Notice to Take
depositions

Wm C. Herndon et al

Executed on Jan. 12th 1894
by delivering a copy of
this with notice to
each of the following
named persons to wit:
John C. Herndon, Carlton
Herndon, David C. Par-
sons, Wm. Woodward & John
C. Stapleton.

W. M. Prunnington

Virginia Lee County Clerk.

The foregoing return
signed by Wm. Prunnington
was this day sworn to by
him before me in my
County aforesaid.

Witness my hand
this Jan 13th 1894

E. H. Prunnington
Notary Public

Virginia, Nor County, to wit:—

This day E. H. Huntington agreed for

J. P. Butth, J. P. Young & H. H. Cox partners in trade under
the style & firm of Butth, Young & Co
plaintiff in a certain Chancery cause now pending in the Circuit

Court for the County against Wm. Herndon it is to re-
cover a certain debt from said Herndon, personally appear-
ing before me St. George H. notary public in and
for the said County of Lee & State of Va. and in
my County heretofore and made oath that: 1st he verily
believes the said plaintiff's claim is just, 2nd that
he believes the said plaintiff is entitled to and ought
to recover at least in the said suit against said Her-
ndon a sum for the sum of \$115⁰⁰ with interest from

30th day of Jan 1894 3rd that to the best of the plaintiff's
belief said Herndon is not a resident of the State
of Va. but has effects therein in the County of Lee
4th that said Herndon has absconded, is absconding,
is about to convert his property or some material
part thereof into money securities & evidences of debt with the
intent to hinder, defraud, & delay his creditors, & 5th that
said Herndon has assigned & disposed of & is about to
assign & dispose of his estate or some part thereof with the
intent to hinder, defraud, & delay his creditors & purposes

GIVEN under my hand this 2nd

Butth, Young & Co
7th 1893-

After you H. S.

Burt Young & Co
S. S. Affidavit

M. A. Verdine (4)

Filed Dec 7th 1894
A. B. Munsey Clerk

This deed made the 14th day of March 1885 between William
C. Herndon and Cynthia E. Herndon of the first part and David
P. Parson^s of the second part of the county in state aforesaid
Witness that in consideration of the sum of five thousand
dollars in hand paid the receipt whereof is hereby acknowledged
W. C. Herndon and Cynthia E. Herndon his wife do give bargain
sell and convey unto David P. Parson's party of the second part
a certain tract or parcel of land lying in the Crab Orchard
on Reeds and Jones Creek waters of the North Fork of Powell's
River No of acres unknown supposed to be six hundred more or
less and bounded as follows: Beginning at a stake on
the north bank of the North Fork at the mouth of Reeds Creek
thence with the meanders ^{thence of} to the 16 Circle line and with said
line N 33 W to a ^{chestnut} and finish old corner
to A. F. Bailey's land and with lines of same N 64 W to poles
to a white oak and a chestnut thence N 64 W to poles to
white oaks thence N 64 W with parkers line to Jones Creek
and with in creek to Joseph Arcene's corner thence south-
wardly with said Arcene's line to A. F. Parkers corner thence
with his several lines and corners to a corner to Alfred
Johnston's land formerly Samuel Parsons land thence with
lines and corners of said Samuel Parsons land to James Allen
land thence with lines and corners to Mathew Zehn land and
with said Zehn's lines and corners to a white oak and with
his lines and corners to the beginning. The foregoing described
boundary of land in braces the land purchased by W. C. Herndon
from Tobias Hughes and wife Charles Pennington heirs Larkin
Herndon and John P. Pennington and the said David P. Parson
is to have and hold all the aforementioned described and the
said William C. Herndon and the said William C. Herndon and
Cynthia E. Herndon parties of the first part do warrant gener-

ally the land hereby conveyed. Witness the following signature and seals the year and day first written.

William C. Herndon (seal)

Cynthia B. Herndon (seal)

State of Virginia, County of Lee, to wit:

I, F. M. Parsons, a justice of the peace in and for the county and state aforesaid do certify that William C. Herndon and Cynthia B. Herndon his wife whose names are signed to the foregoing deed herein, came on the 14th day of March 1880 and acknowledged the same before me in a court and a seal was then given under my hand and seal this the 14th day of March 1880.

F. M. Parsons J.P.

Virginia Lee County, to wit: In the clerk's office of of the said county, the 10th day of Nov 1880 this deed was presented and together with the certificate thereto annexed was added to the record.

Test: S. V. F. Nicholson, Clerk.

Alfred Lesto S. V. F. Nicholson Clerk

Virginia Lee County, to wit: -

This day R. L. Connington personally appeared before me in my court and state aforesaid, and made oath that he had copied the foregoing deed from the records of the county court of the said county, and that the same is a true transcript from the said record. This Feb. 1881.

R.P.

Deed Book no 29, page 435.

This deed made the 10th day of Nove 1893 by and
between W.C. Herndon of the first part and and Wil-
liam Woodward of the second part ^{both} of the county of
Lee and State of Virginia The party of the first
part doth ~~den~~ grant unto the party of the second part a tract or
parcel of land ~~XXXX~~ bounded as follows, Beginning at a stake
at the mouth of Reeds creek running with Lawsons line to the top
of Stone Mountain thence with the meanderings thereof to the Mc
Cradle line and with same to the top of North Fork of Powells River
and with ^{the} meanderings of said waters ^{of North Fork} to the beginning. This Deed of
trust is to secure and whold good to the party of the ~~first~~ ^{second} part

for the sum of six hundred and seventy five dollars which the party
of the second part wholds against the party of the first part the
contract shall stand and whold good to the party of the second
part until the Notes is Satisfied in full. Witness the following
signature and seal W.C. Herndon (seal)

Virginia Lee County, to wit:-

I, J. F. Bargin a justice of ^{the Peace} said county, in the same aforesaid
said do certifi, that W.C. Herndon whose name is signed to the fore-
going deed bearing date on the 10th day of NOV 1893 this day per-
sonally appeared before me in my county aforesaid and acknowledged
the same to be his act and deed. Given under my hand and seal
this the 10th day of Nov 1893

J. F. Bargin J.P.

Virginia Lee county, to wit:-

This day R. L. Pennington personally appeared before me, E. W. Penning-
ton, notary public in and for the county and state aforesaid
and made ~~X~~ oath that he had copied the foregoing deed from the
records of the county court of Lee county, on file in the clerk's
office of the said county court and that the same is a true tran-
script therefrom. This Feb _____ 1894.

For the Office of the Clerk of said County
The 10th day of Nov 1893 this deed was filed after
which the certificate of the clerk was removed and the deed
is now on file in the office of the clerk of said County

A. C. Jones Secy. S. F. Richardson
clerk

Deed Book P
Book No. 25 .page 106 .

THIS DEED of conveyance made the 5th day of February/ 1890
by and between Tobias Hughs and Martha Hughs and Peggie
Parsons of the first part ~~///~~ all of the county of Lee and
state of Virginia and William C. Herndon of ^{the second part} the county and
state aforesaid . Witnesseth that for and in consideration of
the sum of Eight Hundred dollars in hand paid the receipt of
~~which~~ is hereby acknowledged the parties of the first part
do do bargain sell and convey unto / the parties of the second
part a / certain parcel or tract of land lying and being in a
county of Lee and state of Virginia situated on Reeds Creek
waters of the North Fork of Powells River being two hundred
acres be the same more or less and bounded as follows to wit
being the land where ^{Said} Tobias Hugs now lives and adjoining the ~~///~~
land of Samuel Parsons James Quillen and Mathew Zion and the
parties of the second part to have and to hold forever . And a
parties of the first part warrant specially the land here-
by conveyed . witness the following signature and seal the day
and date above written .

^{his}
Tobias Hughs , (seal)
^{mar}
Martha Hughs (seal)
^{mar}
Margaret R. Parsons (seal)

State Virginia Lee County to wit : /

I, F.M. Parsons a justice of the peace for the aforesaid ~~///~~
county and state do certify that Tobias Hughs and Martha
Hughs his wife and Peggie Parsons whose names are signed to the
foregoing deed ^{made} / date — on the 5th day of February, 1890 ,
acknowledged the same before me in my / county and state
aforesaid to be their act and deed and does not wish to ~~make~~

retract it . Given under my hand and seal this the 6th day of
February 1890

F.M.Parsons J.P.

Virginia Lee county to wit : In the office of the clerk of the
said county May the 6th 1890 this deed was presented and
with the certificate thereto annexed admitted to record

Test John R. Gibson Clerk.

Virginia Lee County To wit:

This day R.L.Pennington personally appeared be-
fore me E.W.Pennington, a notary public in and for the said
county and state aforesaid and made oath that he had copied
the foregoing deed from the records of the county court of
the county on file in the clerk's office of the said
county court and that the same is a true transcript from the
said records. Given under my hand this the ____ day of Feb.
1894.

N.P.

H. C. Nunn

From Copy of Dues

Thomas Hughes &c -

For Copy of Dues

Deed Book No 20 page 104

This deed of conveyance made this the 19th day of March 1890 by and between John C. Pennington and Patience Pennington his wife ^{*Patience Pennington*} and Martha J. Robins and Mary A. Robins of the county of Lee and state of Virginia and Green B. Pennington and Susan his wife of the county of Perry and state of Kentucky of the first part and ^{*of second part*} William C. Herndon of the second part of the county of Lee and state of Virginia. Witnesseth that for and in consideration of the sum of \$500.00 dollar in hand paid the receipt of which is hereby acknowledged the parties of the first part do hereby grant, bargain and sell and convey unto the parties of the second part all of their right and title in the Charles Pennington tract of land lying and being in the county of Lee and state of Virginia on the waters of Jones Creek and Bounded as follows to-wit: Beginning at a beech and a white oak on the east bank of needs ^{*Eastwardly*} creek thence southwardly to a poplar thence to a white on the top of a ridge thence northwardly to white oak on a flat thence northeastwardly to a wagon road and ^{*near*} ~~th~~ said road south westwardly to a beech ^{*at*} the mouth of the first hollow near the bank of Jones Creek and with said creek to the mouth of ~~said creek~~ to Joseph Marcom's corner thence westwardly with said Marcom's line to the Charles Pennington and with said line to the Beginning. the parties of the first part do warrant generally the land hereby conveyed the parties of the second part to have and to hold forever. Witness the following signature and seal this the 19th day of March 1890

John C. Pennington (said)

her
Susan
Patience Pennington (seal)

Martha J. Robins (seal)

Dinah Pennington (seal)

Green B. Pennington (seal)

Mary A. Robins (seal)

State of Virginia County of Lee to wit :

I, F.M. Parsons a justice of the peace for the aforesaid county and state do certify that John C. Pennington and Patience Pennington his wife Martha J. Robins and Dinah Pennington whose names are signed to the foregoing deed bearing date on the 10th day of March 1880, acknowledged the same *before me* in my county and state aforesaid to be their act and deed and does not wish to retract it. Given under my hand and seal this the 14th day of March 1880.

F.M. Parsons J.P.

State of Kentucky County of Perry

I, Ira J. Davidson clerk of the county court *for* the county and state aforesaid do certify that the foregoing deed of conveyance from John C. Pennington *et al* *William Pennington* of the county aforesaid and acknowledged before *me* by Green B. *Pennington* and Susan his wife to *be* their act and deed and the same is certified to the proper office for record. Given under my hand this the 29th day of March 1880.

Ira J. Davidson Clerk

By G.K. Cornett D.C.

State of Virginia County of Lee to wit :

I, F.M. Parsons, a justice of the peace for the aforesaid county and state do certify that Mary A. Robins whose name is signed to the foregoing deed bearing date on the 10th day of *March*

March 1890 acknowledged the same before me in my county and
state aforesaid to be her act and deed and does not wish to
retract it. Given under my hand the 7th day of April 1890

Wm. Parsons J.P.

Virginia Lee County to wit:

In the office of the clerk of the said county ^{May 6 1890} this

deed was presented and with the certificates thereto annexed
was admitted to record. Test Jon H. Gibson Clerk.

Virginia Lee County to wit:

Alfred Vester, D. F. Richmond School

This day R. F. Pennington personally appeared before me a notary
public in and for the county and state aforesaid and made
oath that he had copied the foregoing deed from the records of
county court of the county on file in the clerk's office of the
said county court, and that the same is a true transcript from
the said records as he verily believes. Given under my
hand this the ____ day of Feb. 1890.

J. P.

H. C. Herndon

Franz copy of D. &
John C. Herndon
Copy for D. 731

Deed Book No 20 page 112.

This deed made this November th 9th 1889 by and between M. C. Parsons of the first part and Craig Gordon of the Second part Both of the county of Lee and State of Virginia. Witnesseth that the part of the first part doth grant bargain sell and convey unto the party of the ^{2nd part} ~~first~~ part his undivided interest in Charles Pennington Now deceased estate that he bought of Anderson Robens and wife heirs of a foresaid Charles Pennington Deed for the sum of one hundred dollars in hand paid the receipt of which is hereby acknowledged, the aforesaid M. C. Parsons binds himself to warrant ^{generally} the land hereby conveyed with all its appurtenances forever. Witness my hand and seal day and ~~year~~ first written.

M. C. Parsons (seal)

Virginia Lee County To wit

I, V. H. Kelly notary public for the aforesaid county do certify that M. C. Parsons whose name is signed to the above deed bearing date ~~xx/xx/~~ Oct. 9th 1889, personally appeared before me in my county aforesaid and acknowledged his signature to this deed to be correct for the purpose mentioned in the above deed. Given under my hand this Nov. 9th 1889.

V. H. Kelly N. P.

Virginia Lee County to wit : ---In the ~~clerk's office~~ ^{office of the clerk} of the xsaid county May the 6th 1890, this deed was presented and with the certificates hereto annexed admitted to record.

Test John H. Gibson, Clerk.

Virginia Lee County to wit: ^(A Copy Test. R. L. Pennington) This day R. L. Pennington personally appeared before me a notary public for the aforesaid county, in my county aforesaid and made oath that he had copied the foregoing deed the said county's records and that the same is a true transcript there from. This Feb ___ 1891

N. P.

H. C. Hudson

Trans copy of deed

M. C. Parsons

Fee for copy \$0.25

Deed Book No 20 .page 103.

This Deed made thos the 30th day of July 1889 between John B. Pennington of ~~the~~ ^{and} Larkin Herndon of the first part and William C. Herndon of the ~~second~~ ^{third} part . J. B. Pennington now a resident of Hawkins County Tennessee and the other named parties of Lee county Virginia . Witnesseth that in consideration of the sum of \$50.00 fifty dollars in hand paid the receipt of ~~which~~ ^{whereof} is hereby acknowledged the said John B. Pennington and Larkin Herndon do grant bargain and sell unto the said William C. Herndon a certain tract or parcel of land lying and being in the county of Lee and state of Virginia it being ~~a~~ ^{the} part of ~~the~~ a tract of land assigned to John Pennington Sr by commissioners it being a part of the Mc Gradle Survey bounded as follows to wit : Beginning ~~at~~ ^{at} the mouth of Jones Creek crossing the North Fork of Powells River southerly up the North Side of Stone Mountain with Partition line to the top of said mountain thence eastwardly with the top of same with the varying meanders thereof to the original Mc Gradle line and with line thereof northwardly to the ~~the~~ ^{the} North Fork of Powells River thence Westwardly with the ~~the~~ ^{meanders} varied meanders thereof to the beginning . And the aforesaid John B. Pennington ~~and~~ ^{and} Larkin Herndon do covenant and agree with the said William C. Herndon to warrant generally the land hereby conveyed with all its appurtenances . Witness the following signatures and seals The number of acres not known but by ~~the~~ ^{the} boundary be the same more or less .

X John B. Pennington (seal)

Larkin Herndon (seal)

Virginia Lee County To wit :

I, John A. G. Hyatt clerk ~~for~~ ^{of} the circuit for Lee county state aforesaid do hereby certify that John B. Pennington and Larkin Herndon whose names are signed to the foregoing do so knowing

Bearing date on the 30th day of July 1889 each personally appeared before me and acknowledged the same to be their act and deed for the purpose therein stated. Given under my hand this Sept 7th 1889.

J.A.G. Hyatt clerk.

Virginia Lee County to wit: In the office of the clerk of ~~the~~ ^{mas 6 1890} said county, this deed was presented and with the certificate thereto annexed admitted to record.

Test John R. Gibson, clerk.

A copy of this deed is on file in the clerk's office of the said county court.
Virginia Lee County to wit: This day R.L. Pennington Personally appeared before me a notary public in and for the county and state aforesaid and made oath that he had copied the foregoing deed from the records of the county court of said county on file in the clerk's office of the said county court, and that the same is a true transcript from the said records. This Feb. 1894.

N.P.

H. C. Stinson

From { Copy of Deed
John B. Pennington
~~~~~

For Tax Copy

\$0.50



Deed Book NO 23 ,page 110.

This ~~add~~/deed made this the 7th day of March 1887 between John C. Stapleton and Almeda his wife of the first part and W. Craig Herndon of the second part all of the county of Lee and state of Virginia. Witnesseth that in consideration of the sum of two hundred dollars <sup>to the party of the first part</sup> ~~hand paid and secured to~~ be paid by the party of the second part, the receipt of which is hereby acknowledged, the said party of the first part by these presents give, grant, sell, deliver and convey unto the party of the second part a certain tract or parcel of land lying and being in <sup>said</sup> ~~the~~ county of Lee and on Jones Creek in the Crab-orchard containing by estimation thirty and a half acres be the more or less bounded as follows: Beginning on the 124 pole line ~~29~~ poles from white oaks and beeches on the north side of a branch at a white oak S 20 E 99 poles to a red oak on the top of a ridge and with said ridge S 99 1/2 W 30 poles to a pine and chestnut on the top of a high spur N 30 1/2 W 29 poles to a little gum and chestnut N 23 W 13 poles to two chestnut oaks S 83 1/2 W 33 poles to a sour wood hickory and two dead spanish oaks, (now gone) N 41 1/2 W 33 poles to a chestnut at the top of a deep hollow N 69 E 93 — to the beginning. To have and to hold the said <sup>or parcel</sup> ~~tract~~ of land ~~with~~ with all of its appurtenances unto the party of the second part and his heirs forever. And the party of the first part covenant that the <sup>marient</sup> ~~will~~ generally the title to the land hereby conveyed. And the party of the first part hereby reserve to ~~themselves~~ themselves the vendor's lien on said land until the purchase money therefor is fully paid. Witness the following signature and seal,

John C. Stapleton (seal)

Almeda Stapleton (seal)



Virginia Lee County to wit :

I, John A.G. Hyatt com'r in ch. <sup>for</sup> do certify that John C. Stapleton, whose name is signed to the foregoing deed dated March the 7th 1887 personally appeared before me in the said county and acknowledged said writing to be his act and deed. Given under my hand this the 7th day of March 1887.

J.A.G. Hyatt, com'r &c.

Virginia Lee County to wit :-----I, John A.G. Hyatt commissioner in chancery for Lee county do certify that Almedid Stapleton wife of John C. Stapleton whose names are signed to the foregoing deed dated March the 7th 1887 personally appeared before me in the county <sup>said</sup> and being examined by me <sup>apart</sup> privately and apart from her husband and having the deed fully explained to her she declared she willingly executed <sup>signed</sup> the same and did not wish to retract <sup>the</sup> the same. Given under my hand this the 20th day of August 1888

John A.G. Hyatt com. in chancery for Lee county court.

Virginia Lee County <sup>office</sup> court clerk's office, Feb 7th 1894  
The foregoing deed bearing date March the 7th 1887 between John C. Stapleton and Almedia his wife of the first part and and W.C. Herndon of the second part all of Lee county Va. was this day filed in the <sup>office</sup> clerk's and admitted to record upon the foregoing certificate of John A.G. Hyatt a commissioner in chancery for Lee county Court. Test John R. Gibson, clerk.

Virginia Lee county to wit

*A Copy Test: S. R. Richmond*

This day R.L. Pennington personally appeared before me a notary public in and for the county and state aforesaid and made oath that he had copied the foregoing deed from the records of the county court of said county on file in the clerk's office of the said county court and that the same is a true transcript therefrom. This Feb 1894



A. C. Shindler  
Franklin copy of deed  
John C. Shindler & wife

---

The far copy,

1850



Deed Book No. 25, page 204.

This deed made this the 10th day of Oct 1864 by and between John P. Pennington and Larkin Herndon of the County of Lee and State of Virginia of one part and William C. Herndon of the County and State aforesaid of the other part witnesses that for and in consideration of the sum of \$100.00 in hand paid the receipt of which is hereby acknowledged, the said John P. Pennington and Larkin Herndon do here by bargain and sell unto the said William C. Herndon a certain tract or parcel of land lying and being on the County of Lee and State of Virginia Part of the John McCrains 14,000 acre survey which was partitioned by commissioners among the heirs of Edward Pennington he this being a portion of the 100 assigned to John P. Pennington Sr and by him by deed to John Pennington Jr and Larkin Herndon said land is lying in Lower Crab Orchard and between the North Fork of Powell's River and Jones Creek and Reeds Creek bounded as follows to wit Beginning beginning at a poplar on the east bank of Reeds Creek corner to Charles Pennington Deed line near the ford of said creek and with said creek southwarily 30 poles to its mouth on the north bank of the North fork of Powell's River thence eastwardly with the meanderings the edge of a swamp by original line and with with said line E to W to a gum & chestnut and a Spanish Oak corner to A. Baller's land and with line of said land 20 poles to a white oak and thence north 30 poles to a white oak thence north west with Parker's line to Jones Creek and with said creek to Charles Pennington Deed line and with his line to the beginning supposed to contain 100 hundred acres be it the size more or less and the said John P. Pennington and Larkin Herndon do covenant with the said



William C. Harmon that they will warrant generally the above  
land hereby conveyed, with the following, signature and seal

John E. Pennington (seal)

Larkin Harmon (seal)

I John A. G. Hyatt a commissioner in chancery for Lee County  
court the same being a court of record do certify that John  
E. Pennington and Larkin Harmon whose names are signed to  
the foregoing bearing date on the 10th day of Dec. 1894, per-  
sonally appeared before me in my court aforesaid and each  
acknowledged the same to be their act and deed for the pur-  
pose therein stated. Given under my hand this 10th day  
of Jan. 1895.

J. A. G. Hyatt Com'r

Virginia Lee County Court Clerk's Office March the 14th 1895  
The foregoing bearing date on the 10th day of Dec. 1894 between John  
E. Pennington and Larkin Harmon of the one part and William  
C. Harmon of the other part all of Lee County Va. was this  
day ~~presented~~ filed in this office and admitted to record up-  
on the certificate of J. A. G. Hyatt Com'r for Lee County Va.

1895, J. A. Gibson clerk.

Virginia Lee County to wit:

This day A. L. Pennington personally appeared before me, notary  
public in and for the county and state aforesaid and made  
oath that he had copied the foregoing, verbatim from the records  
of the county court of the said county, and that the same  
is a true transcript therefrom. This the \_\_\_\_ day of Feb.  
1895.

J. P.



Deed Book No 20, page 111.

*in the year of Our Lord*  
This deed made this Dec 21st 1899 between Rebecca J Robins and  
*her husband of Indian Territory*  
James A Robins of the first part and William G Hamilton  
*his wife*  
and Phoebe Hamilton of the county of Lee and state of  
Virginia of the second part witness that for and in consider-  
ation of the sum of \$50.00 dollars in hand paid the receipt  
whereof is hereby acknowledged the said party of the first  
part do grant bargain and sell unto the said party of the  
second part all of their right title and undivided interest  
in the Charles Penniman conveyance lying and being in the  
said County of Lee and State of Va and lying on the *waters* Jones Creek  
and bounded as follows: Beginning on a beech in white oak  
on the east bank of Jones Creek near its mouth thence south-  
wardly to a poplar on Jones Creek thence easterly to a  
white oak on a flat thence north westwardly to a white oak  
thence southwardly to a beech at the mouth of a hollow near to  
bank of Jones Creek thence southwardly with said creek to  
Joseph Harveys corner thence *North*wardly with said Harveys  
line to the old Charles Penniman line thence southwardly  
back to the beginning and the said party of the first  
part do covenant with the *Said* party of the second part that they  
will warrant generally the land hereby conveyed &c. Witness  
the following signature and seals.

*his*  
James A Robins (seal)  
*her*  
Rebecca Robins (seal)  
*myself*

*K*  
Witnesses: Graham

*A*  
Z. T. Robins

Perkins county Chickasaw nation Feb 22 /00

Ervin Springs

Chickasaw Nation Perkins County Chickasaw Nation Feb 22 /00

Personally appeared before me S.W. Wallace a U.S. Commissioner  
James A. Robins and his wife Rebecca Robins to me well known



and did not and acknowledged to me that it was for consideration of said land that he had conveyed the above and foregoing deed or instrument in writing convey a lease of land to William C. Herron and his wife this 24th day of Feb 1880

Samuel W. Ballinger U.S. Commissioner for the

Indian Territory.

Virginia Lee County to wit:

*John P. Ballinger Clerk*

In the Clerk's Office of the said County this 24th day of Feb 1880

This deed was presented and with the certificate thereon annexed admitted to record

John P. Ballinger Clerk

*A Copy Test: S. W. Richardson*

Virginia Lee County to wit:

This day S. W. Richardson personally appeared before me, and being public in and for the County and State aforesaid, and made oath that he had copied the foregoing deed from the records of the said County Court and that the same is a true and correct copy therefrom. Given under my hand this 24th day of Feb 1880

S. W. Richardson



Bath & Co  
vs The Chy-  
H. C. Harnden & al

Copies of Deeds

10 H. C. Hudson

From -

John C. Stephens  
John C. Pennington  
John B. Pennington  
Larkin Middleton  
Thomas Hughes  
Leahy Robbins  
M. C. Farnham

Frou

H. C. Overman

10

Louis P. Farrar  
William Woodward

Free for Copies

James ~~45~~ 52



J.R. Butt, Will H. Cox, and J.P. Young partners in business under  
the firm name of Butt, Young & Co. Compts.

vs. *In Chancery*

John p., Larken and W.C. Herndon, David P. Parsons, Wm. Woodward and John C. Stapleton. Defts.

Memoranda

The object of this suit is to have the deed of said W.C. Herndon and wife, executed on the 14th. day of March, 1893 to the said Parsons, conveying to the said Parsons a certain tract of land therein mentioned, vacated, set aside and declared for naught and the land therein mentioned subjected to the payment of the said plaintiffs debt of \$115.00, and the costs of this suit. And also to have the deed made by the said W.C. Herndon on the 10th. day of Nov., 1893 to secure to the said Woodward the payment of the sum of \$675.00, vacated, set aside and declared for naught. The land mentioned and included in the said two deeds is situated in the Pocket and Crab Orchard Country, on the waters of Redd's and Jones' creeks and the North Fork of Powell's river, and is said to be some 1200 acres and is the same land which was at various times conveyed to the said W.C. Herndon by the heirs of Chas. Pennington, Larken Herndon, John B. Pennington, and Tobias P. Hughes, a part of which is bounded as follows, to-witt: BEGINNING at a stake on the North side of said river at the mouth of Reed's creek, thence eastwardly with the meanderings of the said river to the McCreddie line, thence N. 38 W. poles to a gum, two chestnuts and a spanish oak, corner to H.A. Bayley's land, thence with his lines N. 35 W. 42 poles to three white oaks, thence northwardly with Parker's line to ~~James Quillen's~~ Jones' creek and with said creek to Markum's lines and corner, thence with his lines southwardly to A.K. DeBUSKS corner, thence with his several lines and corners to Alfred Johnson's land, formerly Samuel Parsons land, thence <sup>with the</sup> lines and corners of the said Parsons tract to the said James Quillen's land, thence with his lines to Mathew Zion's land, thence with his lines to



the Lawson land, thence with his lines and corners to the Beginning. And also the tract of land conveyed to the said W.C. Herndon by the said Larken Herndon, and John B. Pennington by deed dated on the 20th. day of July, 1889, and recorded in the Clerk's office of the County Court of Lee County in deed book No. 25, page 163,- it being the same tract of land conveyed by the said W.C. Herndon to the said Wm. WOODWARD on the 10th. day of Nov., 1893 and which deed is recorded in deed book No. 29 page 436, and to both of which last named deeds reference is here made for a more particular description of the said lands. The names of the persons whose estates are intended to be effected by this suit are W.C. Herndon, ~~X~~ David P. Parsons and Wm. Woodward.

*Butt, Young & Co.,  
per Pennington Bros.  
Counsel*

*Virginia Lee County to wit;  
In the office of the Clerk of the said  
County the 8th day of June 1894, this Lis pendens was  
presented and admitted to record  
Teste: S. N. F. Richmond Clerk*



Brink, Young & Co.,  
by *Lispundus*

*W. C. Hurdonital*

Recorded in deed  
Book 30 page 170

*S. V. H. Richmond clerk*

Filed for record  
June 8th 1894

*S. V. H. Richmond clerk*

Herdon, David P. Persons and Wm. Woodward  
whose estates are intended to be affected by this and the W.C.H.  
particular description of the said lands. The names of the persons  
both of which last named deeds reference is here made for a more  
and which deed is recorded in deed book No. 20 page 200, and to  
Herdon to the said Wm. Woodward on the 10th day of Nov., 1883.  
1883, in the said deed of land conveyed by the said W.C.  
office of the County Court of Lee County in deed book No. 20, page  
ed on the 20th day of July, 1883, and recorded in the Clerk's  
deed by the said Larken Herdon, and John B. Pennington by deed dat-  
ing. And also the tract of land conveyed to the said W.C.Herd-  
on the Lawson land, thence with its lines and corners to the Begin-



In the Clerk's Office of the Circuit Court of the County of  
*Lee* on the *1st* day of *January* 18*94*

against

*Butt Young & Co*

Plaintiff

*In Chancery*

*W. L. Herndon et al* Defendant

The object of this suit is to *1st* is to set aside an annul the deed of *W. L. Herndon*  
+ his wife to *David P. Parsons* dated *March the 14th 1893*; *2nd* to set aside and  
declare void the deed made by *W. L. Herndon* + wife to *Mr. Woodward* dated  
*Nov 10th 1893*; *3rd* to annul the transfer of good or chattels made by *W. L. C.*  
*Herndon* to *John P. Larken Herndon* on or about *Nov 10th 1893*  
and *4th* that a judgment be given in favor of the Plffs against the  
Defendants for the amount mentioned in the bill & the same  
be satisfied out of said property. *The W. L. Herndon*  
And an affidavit having been made and filed that the defendant *W. L. Herndon*

*is* not a resident of the State of Virginia, it is ordered that *he* do appear here, within *fifteen days*  
after due publication hereof, and do what may be necessary to protect *his* interest in this suit. And  
it is further ordered that a copy hereof be published once a week for four weeks in the *Lee County*  
*Republican* and that a copy be posted at the front door of the court-house of this *County*  
on the first day of the next term of the *County* Court.

A copy—Teste :

*Perrington Bros* p. q.

*A. B. Mursey* Clerk.



Butt Young & Co

vs. }

ORDER OF  
PUBLICATION.

W. L. Herndon et al

I, A. B. Munsey clerk of  
the Circuit Court do Certify  
that I delivered to the Sec.  
County Republican the within  
in front the 1st day of January  
1894 for Publication, and  
posted a copy thereof at the  
front door of the Court house  
at the January Term 1894  
of the County Court.

A. B. Munsey clerk



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

Ed Garrett

to appear before our County Court for the County of Lee at the  
court-house, on the 18 day of September 1895 to testify and the truth to say  
before the Grand Jury then to be in session.

And this he shall in no wise omit, under the penalty of £100. And have then there this writ.

WITNESS, A. M. Goins Atty for the Commonwealth  
Clerk of our said Court

the 17 day of September 1895, in the 120 year of the Commonwealth.

A M Goins, Atty for Comm.  
Clerk.



Commonwealth

vs.

SUBPENA FOR  
WITNESS BEFORE  
GRAND JURY

To..... day of.....

189.....

Executed Sept  
17. 1895 Esstetup  
for W P meter  
S L B



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

*W. C. Henderson*  
*Larkin Henderson, John P. Henderson,*  
*David P. Parsons, William Woodward*  
*and John C. Stofoten*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the *10<sup>th</sup>* Monday in *Jan* 189*4* to answer a bill in Chancery

exhibited against

*three*  
~~your~~ in our said court by

*J. P. Young, W. H. Cox* partner in *note*  
*under the style & firm of* *Bath Cox Co*

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house,

the

*8*

day of

*Dec.*

189*4*, and in the

*11*

year of

the Commonwealth.

*A Copy List*

*A B Munsey* Clerk.

*A B Munsey clk*



The proper affidavit having been made and filed the officer executing this summons is directed to attach the following real estate of W. C. Herndon, all of which lies in Lee Co., Va., in the Craborchard consisting of two tracts, the first of which is now in the hands of David P. Parsons and bounded as follows to-wit:

Beginning at a stake on the North bank of the North Fork of Powell's river at the mouth of Reed's creek; thence eastwardly with the meanderings of the said river to the McCradia line, thence N. 38 W. --- po to a gum 2 chestnuts and a spanish oak corner to A. J. Bailey's land, and with lines of same N. 24 W. 28 po, to a White oak and Chestnut, thence N. 35 W. 42 po, to 3 White oaks, thence N. with Parker's line to Jones creek, and with said creek to Joseph Marcum's corner, thence Southwardly with said Marcum line to A. K. DeBusk's corner, thence with his several lines and corners to Alfred Johnson's land formerly Samuel Parson's land, thence with lines and corner of said Parson tract to James Quillen's land, thence with his lines and corner to Mathew Zion land, thence with his lines and corner to Lawsons land thence with his lines and corner to the beginning. The 2nd of which tracts is now in the hands of Wm. Woodard, and embraces that land described in deed of July 20th 1889 of Larkin Herndon and John B. Pennington to said W. C. Herndon and which is recorded in Deed Book No. 25-163.

*A. B. Murray Clerk*

VS.

**SUBPOENA  
IN CHANCERY.**

p. q.

To ..... Rules,  
Circuit Court.

Executed Dec., 1893 by delivering an office copy of the within subpoena in chancery and attachment to John P. Herndon, Larkin Herndon, John C. Stapleton, Wm. Woodward and David P. Parsons and not executed as to W. C. Herndon also by attaching on the following real estate of W. C. Herndon described as follows:

all of which lies in Lee Co., Va., in the Craborchard consisting of two tracts, the first of which is now in the hands of David P. Parsons and bounded as follows to-wit:

Beginning at a stake on the North bank of the North Fork of Powell's river at the mouth of Reed's creek; thence eastwardly with the meanderings of the said river to the McCradia line, thence N. 38 W. --- po to a gum 2 chestnuts and a spanish oak corner to A. J. Bailey's land, and with lines of same N. 24 W. 28 po, to a White oak and Chestnut, thence N. 35 W. 42 po, to 3 White oaks, thence N. with Parker's line to Jones creek, and with said creek to Joseph Marcum's corner, thence Southwardly with said Marcum line to A. K. DeBusk's corner, thence with his several lines and corners to Alfred Johnson's land formerly Samuel Parson's land, thence with lines and corner of said Parson tract to James Quillen's land, thence with his lines and corner to Mathew Zion land, thence with his lines and corner to Lawsons land thence with his lines and corner to the beginning. The 2nd of which tracts is now in the hands of Wm. Woodard, and embraces that land described in deed of July 20th 1889 of Larkin Herndon and John B. Pennington to said W. C. Herndon and which is recorded in Deed No. 25-163.



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

*W. C. Munsey, Darius  
Snyder, John P. Munsey, Louis  
P. Parson, William Woodward, and  
John C. Stappan*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said  
Court on the *10<sup>th</sup>* Monday in *Jan*, 189*4*, to answer a bill in Chancery,  
exhibited against *them* in our said court by *J. R. Bath*.

*J. P. Young & W. H. Day partners in trade  
under the firm style of Bath Co & Co*

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house,

the *8* day of *Dec*, 189*4*, and in the 11 *8* year of  
the Commonwealth.

*A B Munsey* Clerk.



The proper affidavit having been made and filed the officer executing this summons is directed to attach the following real estate of W. C. Herndon, all of which lies in Lee Co., Va., in the Craborchard consisting of two tracts, the first of which is now in the hands of David P. Parsons and bounded as follows to-wit:

Beginning at a stake on the North bank of the North Fork of Powell's river at the mouth of Reed's creek; thence eastwardly with the meanderings of the said river to the McCradia line, thence N. 38 W. --- po to a gum 2 chestnuts and a spanish oak corner to A. J. Bailey's land, and with lines of same N. 24 W. 28 po, to a White oak and Chestnut, thence N. 35 W. 42 po, to 3 White oaks, thence N. with Parker's line to Jones creek, and with said creek to Josepa Marcum's corner, thence Southwardly with said Marcum line to A. K. DeBusk's corner, thence with his several lines and corners to Alfred Johnson's land formerly Samuel Parson's land, thence with lines and corner of said Parson tract to James Quillen's land, thence with his lines and corner to Mathew Zion land, thence with his lines and corner to Lawsons land thence with his lines and corner to Woodard, and embraces that land described in deed of July 20th 1889 of Larkin Herndon and John B. Pennington to said W. C. Herndon and which is recorded in Deed Book No. 25.-163.

*A B Murrey clerk*

*Butt boxes*

US.

SUBPENA  
IN CHANCERY.

*W. C. Herndon et al*

*Pennington Prop. q.*

To *16th January* 1894 Rules,

Circuit Court.

Executed Dec., 1893 by delivering an office copy of the within subpoena in chancery and attachment to John P. Herndon, Larkin Herndon, John C. Stapleton, Wm' Woolward and David P. Parsons and not executed as to W. C. Herndon also by attaching on the following real estate of W. C. Herndon described as follows:

Beginning at a stake on the North bank of the North Fork of Powell's river at the mouth of Reed's creek; thence eastwardly with the meanderings of the said river to the McCradia line, thence N. 38 W. --- po to a gum 2 chestnuts and a spanish oak corner to A. J. Baileys land, and with lines of same N. 24 W. 28 po, to a White oak and Chestnut, thence N. 35 W. 42 po, to 3 White oaks thence N. with Parker's line to Jones creek, and with said creek to Josepa Marcum's corner, thence Southwardly with said Marcum line to A. K. DeBusk's corner, thence with his several lines and corners to Alfred Johnson's land formerly Samuel Parson's land, thence with lines and corner of said Parson tract to James Quillen's land, thence with his lines and corner to Mathew Zion land, thence with his lines and corner to Lawsons land thence with his lines and corner to Woodard, and embraces that land described in deed of July 20th 1889 of Larkin Herndon and John B. Pennington to said W. C. Herndon and which is recorded in Deed Book No. 25.-163.

*W. C. Herndon, J. C. Stapleton, Wm' Woolward, David P. Parsons*



W. C. Herndon et al Defs

The object of this suit of to 1st is to set aside and annul the deed of W. C. Herndon and his wife to David P. Parsons dated March the 14th 1893; 2nd to set aside and declare void the deed made by W. C. Herndon and wife to Wm Woodward dated Nov 10th 1893; 3rd to annul the transfer of goods and chattles made by W. C. Herndon to John P. and Larkin Herndon on or about Nov. 10th 1893; and 4th that a judgment be given in favor of the plffs against the defendant for the amount mentioned in the bill and the same be satisfied out of said property thereby conveyed.

And an affidavit having been made and filed that the defendant W. C. Herndon is not a resident of the State of Virginia, it is ordered that he do appear here within fifteen days after due publication hereof, and do what may be necessary to protect his interest in this suit.

And it is further ordered that a copy hereof be published once a week for four weeks in the Lee County Republican and that a copy be posted at the front door of the court house of this county on the first day of the next term of the county court.

A copy--Teste:

A. B. Munro Clerk.

Pennington Bros. p q

5 10

I W. P. Dryden & Sons publisher of the LEE COUNTY REPUBLICAN a weekly newspaper, published in the town of Jonesville, county of Lee, and State of Virginia, do hereby certify that the foregoing Order of Publication was duly published in the above named paper for four successive weeks, ending the 1st day of Feb 1894.  
pr Sam L. Dryden  
Publisher, LEE COUNTY REPUBLICAN